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12
13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 Regina Juarez,

16 Plaintiff,

17 v.

18 Maricopa County; Sheriff Paul Penzone, in
19 his official capacity,

20 Defendants.

Case No.

COMPLAINT

21 Plaintiff Regina Juarez for her cause of action against Defendants Maricopa County
22 and Sheriff Paul Penzone hereby alleges:

23 **GENERAL ALLEGATIONS**

24 **(Parties and Jurisdiction)**

25 1. Plaintiff is a resident of Maricopa County, Arizona and was a resident of
26 Maricopa County during all relevant times. She is an employee of the Maricopa County
27 Sheriff's Office.

(Jury Demand)

8. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a jury trial.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

9. Plaintiff has been employed by Defendant Maricopa County as a Detention Officer since 2012.

10. Plaintiff timely filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”) alleging sex discrimination and retaliation against her employer, Maricopa County/Maricopa County Sheriff’s Office (“MCSO”), on June 8, 2020.

11. On January 16, 2021, Plaintiff was violently attacked by an inmate she was transferring to and from court. She sustained numerous blows to the head and briefly lost consciousness. Pursuant to MCSO policy, Plaintiff was examined at a designated occupational health clinic and was given the diagnosis of whiplash.

12. MCSO policy dictates that supervisors call the Critical Incident Stress Management Team to assist employees who have been subjected to a “critical incident,” such as an attack by an inmate. Plaintiff’s supervisor, however, did not contact the Critical Incident Stress Management Team for Plaintiff’s attack.

1 13. The following day, Plaintiff returned to work and was assigned to an area
2 where she was in direct contact with inmates, despite MCSO's assurances that she would be
3 placed on modified duty to avoid inmate contact.
4

5 14. For the next three weeks, MCSO continued to assign Plaintiff to areas where
6 she had direct contact with inmates. As a result, Plaintiff's health deteriorated. She suffered
7 from brain fog, memory problems, mood changes, vision challenges, dizziness, and sensory
8 symptoms. Plaintiff's supervisors harassed her about her symptoms.
9

10 15. Because of her worsening condition, Plaintiff underwent additional medical
11 evaluation. A computerized tomography (CT) scan revealed that she had suffered a
12 traumatic brain injury.
13

14 16. As a result, Plaintiff took medical leave from February 2021 to August 2021.
15 During that time, her medical benefits were cut and she did not receive workers
16 compensation checks in the month of April 2021.
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18 17. After receiving a Notice of Right to Sue from the EEOC, Plaintiff timely filed
19 a Complaint in this Court on May 3, 2021, Case No. CV-21-00785-PHX-JJT, against
20 Maricopa County, Sherriff Paul Penzone, and her supervisor, Chief Barry Roska, alleging
21 sex discrimination and retaliation under Title VII and race/national origin discrimination
22 under 42 U.S.C. § 1981.
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25 18. Plaintiff was released to return to work on July 12, 2021 and provided MCSO
26 with medical documentation stating that she may return to part-time, sedentary duty with no
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1 inmate contact and limited computer work. Plaintiff suggested an open SIMS (Sheriff's
2 Information Management Services) position, but MCSO refused to place her in that position
3 and informed Plaintiff that it would not be able to provide a reasonable accommodation for
4 her disability. On August 4, 2021, however, MCSO reversed course and told Plaintiff that it
5 could provide an accommodation after all, albeit in a different position than what Plaintiff
6 had requested.
7

8
9 19. Since August 5, 2021, Plaintiff has been assigned to the desk receptionist
10 position as an accommodation for her disability. However, the prolonged screen time and
11 exposure to light and noise associated with this position aggravate her symptoms, which
12 include sensitivity to light, noise, and overstimulation.
13

14 20. Beginning in August 2021, Plaintiff informed her supervisors that the desk
15 receptionist job aggravates her disability and inquired about accommodations, including
16 alteration or removal of the overhead fluorescent lights. After delaying for approximately
17 five (5) months, in January 2022, Defendant placed covers on the fluorescent lights.
18

19 21. Defendants again failed to pay Plaintiff her workers' compensation benefits
20 for six (6) weeks in August and September 2021, yet her paychecks were reduced as if she
21 were receiving benefits.
22

23 22. Plaintiff timely filed a second Charge of Discrimination ("Second Charge")
24 with the EEOC on November 12, 2021. The EEOC issued its Notice of Right to Sue
25 thereafter. (Exhibit 1).
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1 23. Since filing her Second Charge, Defendants have continued to retaliate against
2 Plaintiff, including requiring her to attend an interview regarding the facts relating to her
3 Second Charge and which potentially could result in discipline for Plaintiff.
4

5 24. Plaintiff is damaged by the wrongful acts of Defendants and their agents as
6 herein alleged, which damage includes, without limitation, the following:
7

- 8 a. Lost salary and employment benefits;
- 9 b. Injury to Plaintiff's long-term employment and career possibilities and
10 income potential flowing from the discriminatory and wrongful conduct by
11 Defendants and their agents;
- 12 c. Injury to Plaintiff's reputation; and
- 13 d. Injury from humiliation, trauma, extreme stress, depression, and physical
14 and mental pain and anguish.
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17 25. The willful and wanton misconduct on the part of Defendants is such that it
18 justifies an award of punitive damages.
19

20 26. All prerequisites to Plaintiff filing suit have been met.

21 27. All allegations of this Complaint are incorporated into each Claim for Relief.
22

23 **FIRST CLAIM FOR RELIEF**
24 **Sex Discrimination Under Title VII**

25 28. Plaintiff is a member of a protected class (female). Defendants intentionally
26 discriminated against Plaintiff based on her gender. Defendants have treated male detention
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1 officers more favorably than Plaintiff in the terms and conditions of their employment,
2 including the handling of similar inmate attacks and medical leave.

3
4 29. Plaintiff is damaged by Defendants' violations of Title VII as hereinabove
5 alleged or as proven at trial.

6 **SECOND CLAIM FOR RELIEF**
7 **Retaliation Under Title VII**

8 30. Plaintiff filed an EEOC Charge of Discrimination against Defendants in June
9 2020. Thereafter, Defendants intentionally, knowingly, and maliciously, or in the
10 alternative, in reckless disregard of Plaintiff's federally protected rights, retaliated against
11 Plaintiff by not calling the Critical Incident Stress Management Team in response to the
12 inmate attack, placing Plaintiff in direct contact with inmates following the attack, harassing
13 her about her injuries, not engaging in the ADA interactive process, denying reasonable
14 accommodations for her disability, cutting her medical benefits, and delaying her workers'
15 compensation pay.
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19 31. Since the filing of her Second Charge, Defendants have continued to retaliate
20 against Plaintiff, including requiring her to attend an interview regarding the facts relating to
21 her Second Charge and which potentially could result in discipline for Plaintiff.
22

23 32. As a proximate result of Defendants' wrongful conduct, Plaintiff has been
24 damaged as alleged herein or as proven at trial.
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THIRD CLAIM FOR RELIEF
Disability Discrimination Under the ADA

33. Plaintiff suffered a traumatic brain injury in January 2021, resulting in substantial limitation of her ability to see, walk, sit, stand, think, and concentrate, but she is qualified to perform her job with accommodations.

34. Defendants failed to engage in the interactive process before initially refusing to accommodate Plaintiff's disability in July 2021.

35. Since Plaintiff informed Defendants that the desk receptionist position aggravates her disability, Defendants unjustifiably delayed for approximately five (5) months before granting Plaintiff's request for additional reasonable accommodation. The accommodation was granted only after Plaintiff filed her Second Charge with the EEOC.

36. Plaintiff is damaged by Defendants' violations of the ADA as hereinabove alleged or as proven at trial.

WHEREFORE, Plaintiff requests judgment in her favor and against Defendants as follows:

- A. For all injunctive and declaratory relief necessary, including a declaration that Defendants' conduct violated Title VII and the ADA, and enjoining Defendants from conduct violating Plaintiff's rights;
- B. For actual, consequential and incidental damages as alleged herein or as proven at trial;
- C. For punitive damages;

- 1 D. For Plaintiff's attorneys' fees and costs incurred in this matter pursuant to
2 Title VII, the ADA, and any other applicable statute, rule or regulation;
3
4 E. For interest on each element of damage, cost, or attorneys' fees at the highest
5 legal rate from the date of such damage, cost or attorneys' fees was incurred
6 until paid; and
7
8 F. For such other and further relief as the Court deems just and proper.
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10 DATED this 18th day of February, 2022.
11

12 SHIELDS PETITTI, PLC

13 By Michael J. Petitti, Jr.

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